

IN THE UNITED STATES DISTRICT COURT
FOR SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 3:21-cv-01176-DWD
)	
PAMELA D. SPURLOCK f/k/a)	
PAMELA D. GLENN,)	
)	
Defendant.		

MEMORANDUM & ORDER

DUGAN, District Judge:

Before the Court is the Acting United States Marshal's Report of Sale (Doc. 12), the Government's Motion for Order Approving the Report of Sale (Doc. 13), and the Government's Motion for Approval of a Change of Sale Procedure (Doc. 14). The Court entered an Order (Doc. 9), directing the sale of the subject property, and a Judgment for Plaintiff (Doc. 10) on March 1, 2022. The Court's Order required "public notice of the time, place, and terms of such sale, together with a description of the premises...to be sold, by previously publishing the same once each week for three consecutive weeks...*the first publication to be not less than four weeks before the date of such sale.*" (Doc. 9, pg. 6) (Emphasis added.). The Acting Marshal's Report of Sale indicates the date of sale was July 6, 2022, and the first publication was on June 10, 2022. (Doc. 12, pgs. 2-3). The first publication did not comport with the Court's Order, as it ran three weeks and five days before the sale.

The Government states the above-described error occurred due to "a mistake...in scheduling the publication dates by the United States Attorney's Office." (Doc. 14, pg. 2).

The Government notes Defendant is in default and the foreclosure is uncontested, the subject property is abandoned, Plaintiff is not seeking a personal money judgment for a deficiency, the buyer had no reason to know that an error in the publication occurred, and Defendant has suffered no prejudice or injury. (Doc. 14). As such, the Government asks the Court to approve and ratify the above publication procedure. (Doc. 14, pg. 2).

Under Illinois law, “[t]he notice of sale shall be published at least 3 consecutive calendar weeks (Sunday through Saturday), once in each week, *the first such notice to be published not more than 45 days prior to the sale*, the last such notice to be published not less than 7 days prior to the sale.” 735 ILCS 5/15-1507(c)(2). Despite being contrary to the Court’s Order, the first publication satisfied this provision. *See id.* It did not run more than 45 days before the sale and was not otherwise violative of section 15-1507(c). *See id.* For this reason, coupled with the other submissions of the Government, the Court **GRANTS** the Government’s Motion for Approval of Change of Sale Procedure. (Doc. 14).

In addition, the Court **FINDS** the Acting United States Marshal, having been appointed by the Court to make sale and carry into effect the Court’s Order (Doc. 9) and Judgment (Doc. 10), has provided a Report of Sale (Doc. 12) that shows the sale otherwise proceeded according to that Order and Judgment, and was fairly made. Accordingly, the Court **GRANTS** the Motion for Order Approving the Report of Sale (Doc. 13). The proceeds of the sale and the Report of Sale are hereby **APPROVED** and **CONFIRMED**.

SO ORDERED.

Dated: September 30, 2022.

/s David W. Dugan

DAVID W. DUGAN
United States District Judge